


ANALYSIS

This ordinance amends Title 3 – Advisory Commissions and Committees of the Los Angeles County Code, Chapter 29, relating to the Commission on Human Immunodeficiency Virus (HIV).

The purposes of the amendments are to correct, update and clarify the language of the ordinance to reflect current terminology and current practices and policies of the HIV Commission, to convert three (3) non-voting members to voting members so that all members may vote, to add two (2) members for needed expertise, to add a member to maintain the required proportion of consumer members and to continue the sunset review date.

ANDREA SHERIDAN ORDIN
County Counsel

By 
DIANE C. REAGAN
Principal Deputy County Counsel
Health Services Division

DCR:vn

Requested: 04/05/11
Revised: 09/20/11

ORDINANCE NO. 2011-0065

An ordinance amending Title 3 – Advisory Commissions and Committees of the Los Angeles County Code, relating to the Commission on Human Immunodeficiency Virus (HIV).

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 3.29.010 is hereby amended to read as follows:

3.29.010 Definitions.

A. “Administrative agency” indicates the Division of HIV and STD Programs (DHSP) Office of AIDS Programs and Policy (OAPP), Department of Public Health (DPH) and the County of Los Angeles.

B. “Administrative mechanism” ~~describes~~ refers collectively to the partnership of the ~~b~~Board of ~~s~~Supervisors, the eCommission, grantee and administrative agency, and other participants in the Ryan White-funded service delivery system.

C. “AIDS” means ~~a~~Acquired ~~i~~Immune ~~d~~Deficiency ~~s~~Syndrome.

D. “Allocations” are the funds to be expended for HIV services and related purposes to be determined by the eCommission.

E. “Candidate” refers to a person who has submitted a completed a membership application ~~form~~ and is seeking appointment to the eCommission.

~~F. “CARE Act” means the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 and its subsequent reauthorizations.~~

~~F~~G. “Consumer” is an HIV-positive and/or AIDS-diagnosed individual who uses ~~CARE Act~~Ryan White-funded services and/or is the caretaker of a minor with HIV/AIDS who receives those services.

G. "Continuum of care" is the local operational strategy for providing high-quality services in response to HIV consumer need.

H. "Eligible Metropolitan Area (EMA)" is the a jurisdiction eligible to receive CARE Act Title I Ryan White Part A funds; , corresponding locally with the Los Angeles County bordersthe County of Los Angeles is the local EMA.

I. "Executive director" is the executive staff member of the eCommission.

J. "Grantee" indicates the Los Angeles County Department of Public Health (DPH), County of Los Angeles.

K. "Health Resources and Services Administration (HRSA)" is the federal agency that managesing and administersing the Ryan White program nationally, including the use of CARE ActRyan White funds.

L. "HIV" means Human Immunodeficiency Virus.

M. "HIV disease" means disease due to HIV infection, including AIDS.

N. "Nominating body" refers to the eCommission in its role of designating candidates as nominees for consideration for appointment to the eCommission by the Board of Supervisors.

O. "Open nominations" refers to the process, requirements and guidelines developed by HRSA governing howTitle I Part A planning councils identify, select and nominate their membership and nominations.

P. "Organization" refers to service agencies and/or groups or coalitions of people affected by HIV.

Q. "Part A" refers to the Ryan White grant funds awarded to EMAs from which the County of Los Angeles directly receives its largest share of Ryan White resources.

R. "Part B" refers to the Ryan White grant funds awarded to states, a portion of which the State of California disburses to the County of Los Angeles.

SP. "Planning council" refers to the eCommission in its role as the local HIV community planning bodyorganization mandated by the CARE ActRyan White legislation for EMAs.

TQ. "Priorities" are the list of services categories, ranked in order of consumer need and importance, that to which the Commission may allocate resources are eligible for funding and best meet the need in the EMA.

U. "Provider" is an agency/organization that provides HIV care, treatment and/or prevention services in the EMA, and may or may not be supported by Ryan White funding.

VR. "Recommending entity" is an organization, agency, institution, entity or person authorizedentitled pursuant to 3.29.030 to propose candidates for consideration as nominees for appointment to the eCommission pursuant to 3.29.030.

W. "Ryan White" is the program providing the largest non-entitlement source of federal funding for HIV care and treatment services, as authorized by the Ryan White Treatment Extension Act of 2009.

X. "Service Planning Area (SPA)" is one (1) of eight (8) subdivided areas of the County intended to facilitate and improve local service and healthcare planning.

Y. "Stakeholder" is any party receiving or providing HIV services or affected by HIV.

~~S.~~ "Title I" is the source of CARE Act funds awarded to EMAs, and from which Los Angeles County directly receives its largest share of CARE Act funding.

~~T.~~ "Title II" refers to those CARE Act funds received by the State of California from HRSA, and then disbursed to the Los Angeles County grantee.

ZU. "Unaffiliated consumer" means a consumer of Ryan White-funded HIV/AIDS services who does not serve in a decision-making capacity (including but not limited to an employee, consultant and/or board of directors member) at any ~~Title I~~ Part A funded organization or agency.

SECTION 2. Section 3.29.020 is hereby amended to read as follows:

3.29.020 ~~Created~~ Commission on HIV.

~~There is created the~~ The eCommission on HIV; ~~is hereafter~~ referred to in this chapter as the "eCommission."

SECTION 3. Section 3.29.030 is hereby amended to read as follows:

3.29.030 Membership.

All members of the eCommission shall serve at the pleasure of the ~~b~~ Board of ~~s~~ Supervisors. The eCommission shall consist of ~~39~~ forty-five (45) voting and ~~3 non-voting~~ members nominated by the Commission and appointed by the ~~b~~ Board of ~~s~~ Supervisors ~~and nominated by the commission~~. Consistent with HRSA's open nominations process, ~~T~~ the following recommending entities shall forward candidates to the eCommission for membership consideration:

A. Six (6) voting members are recommended by the following governmental, health and social service institutions:

1. Medi-Cal, state of California,
2. The Office of AIDS, state of California,
3. The city of Pasadena,
4. The city of Long Beach,
5. The city of Los Angeles,
6. The city of West Hollywood.

~~The recommending entities will forward the candidates for commission consideration in compliance with federal open nominations requirements;~~

B. Five (5) voting members are recommended by the Ryan White grantees or representative grantee groups of direct Ryan White grant recipients in the EMA from the five parts of the CARE Act Ryan White program, as indicated and in compliance with federal open nominations requirements:

1. ~~Title I~~ Part A (DPH),
2. ~~Title II~~ Part B (DPH),
3. ~~Title III~~ Part C (~~Title III~~ Part C grantees),
4. ~~Title IV~~ Part D (~~Title IV~~ Part D grantees),
5. Part F [local medical schools, AIDS Education and Training Center (AETC) programs and/or local providers receiving Part F dental reimbursements];

C. Eight (8) voting unaffiliated consumers, one (1) representing each of the eight (8) ~~Service Planning Areas (SPAs)~~, and recommended, ~~along with at least one~~

other candidate, by the Service Provider Network (SPN) Consumer Advisory Board
consumers and organizations in for the SPA;

D. Five (5) ~~voting~~ unaffiliated consumers, one (1) representing each of the five
(5) supervisorial districts, ~~nominated from those recommended by consumers and~~
organizations in the district ~~to be nominated from the pool of candidates who have been~~
~~recommended to or have applied for a seat on the commission;~~

E. One (1) unaffiliated consumer representing consumer interests in an at-
large capacity, regardless of SPA or district origin, to be nominated from those
recommended to or who have applied for a seat on the Commission;

~~FE.~~ Eight (8) ~~voting~~ provider representatives, one (1) representing each of the
eight (8) ~~Service Planning Areas (SPAs) and recommended, along with at least one~~
~~other possible candidate, nominated from those recommended by the Service Provider~~
~~Network (SPN) providers for in the SPA.~~ Among the provider representatives ~~nominated~~
~~for appointment~~ to the eCommission, at least one (1) representative must come from:

1. An AIDS service organization (ASO),
2. A social service provider,
3. A mental health provider,
4. A substance abuse provider, and
5. An organization offering other federally-funded HIV programs, including
HIV prevention programs;

~~GF.~~ Five (5) ~~voting~~ representatives, one (1) recommended by each of the five
(5) supervisorial offices in compliance with federal open nominations requirements;

~~HG.~~ One (1) ~~voting~~ HIV specialty physician representing from an HIV medical

~~provider, nominated from the pool of candidates who have been recommended to or have applied for a seat on the commission;~~

~~I.H. One (1) voting representative offrom another health care systems serving people with HIV, nominated from the pool of candidates who have been recommended to or have applied for a seat on the commission;~~

~~J.I. Three non-votingOne (1) representatives from the Los Angeles County Office of Health Assessment and Epidemiology, Office of AIDS Programs and Policy, andthe Prevention Planning Committee (PPC);-~~

~~K. One (1) representative from the Division of HIV and STD Programs;~~

~~L. One (1) representative from the Department of Health Services, County of Los Angeles;~~

~~M. One (1) representative from the County's HIV surveillance program;~~

~~N. One (1) representative from another County department or office that provides HIV-related services and that is not already represented by one (1) of the seats designated for representatives from specific County departments or offices.~~

In all categories where not specifically required, recommending~~ed~~ entities and the nominating body are strongly encouraged to ~~forward the candidacies of persons~~nominate candidates living with HIV/AIDS. Members are expected to report to and ~~will be held accountable to the~~represent their recommending entities and constituencies ~~whom they represent~~. Members may, at times, represent multiple constituencies.

~~At least one of the voting members of the commission shall be a member in good standing of the Prevention Planning Committee.~~

In accordance with ~~Title I grant~~Ryan White Part A planning council requirements, the ~~e~~Commission shall ensure that its full membership and ~~the~~its subset of unaffiliated consumer members shall proportionately reflect the ethnic, racial and gender ~~characteristics~~proportions of local HIV disease prevalence in the EMA. In ~~making~~forwarding nominations for appointment ~~to~~by the ~~b~~Board of Supervisors, the ~~e~~Commission shall further ensure that ~~the commission-its~~ membership conforms to ~~Title I grant~~Ryan White Part A planning council requirements, as detailed in HRSAS's policies, ~~for and guidance on representation, reflectiveness of the epidemic, and~~ consumer membership.

SECTION 4. Section 3.29.040 is hereby amended to read as follows:

3.29.040 Alternate members.

One (1) alternate may be nominated by the ~~e~~Commission for appointment by the Board of Supervisors for each member who has disclosed that he/she is living with HIV/AIDS. An alternate shall attend meetings of the ~~e~~Commission and vote in the absence of the person for whom he/she is designated as an alternate. Nominations of the alternates shall be made from the pool of candidates recommended for membership. The Commission shall ensure that the composition of alternate members conforms to any ~~Title I grant~~Part A planning council requirements which apply to ~~alternates as detailed in HRSA policies for representation, reflective of the epidemic and~~ consumer membership.

SECTION 5. Section 3.29.045 is hereby amended to read as follows:

3.29.045 Nominations.

Nominations for membership shall be conducted through an open process and candidates selected based on delineated and publicized criteria which include a conflict of interest standard as set out in Section 3.29.046. The eCommission shall form a standing ~~Recruitment, Diversity and Bylaws (RD&B)~~operations committee which shall review the composition of the eCommission, and conduct broad-based advertisement, recruitment and initial screening of applicants on an ongoing basis. The ~~commission~~ and the ~~RD&B~~operations committee ~~are~~is responsible for the following: processing the nominations for membership it receives, applications; and shall ~~selecting~~select the candidates based on their qualifications to meet general membership and specific seat requirements, and in order to help the eCommission meet other membership mandates and requirements; and forwarding its membership recommendations to the Commission for nomination. All ~~applications shall be reviewed and evaluated by the RD&B committee, which, in turn, shall forward qualified candidates to the full commission.~~ Upon approval by the eCommission, ~~the nominations will then be~~candidate nominations are sent to the ~~b~~Board of ~~s~~Supervisors for its consideration for appointment to the eCommission. This process will be conducted prior to ~~the annual commission election~~expiration of membership terms and during the year in the event of mid-year~~term~~term vacancies.

SECTION 6. Section 3.29.046 is hereby amended to read as follows:

3.29.046 Conflict of interest.

A. ~~The CARE Act~~Ryan White legislation requires specified ~~consistencies~~constituencies and entities to be represented on the eCommission. ~~The CARE Act~~Ryan White legislation also requires the eCommission to establish priorities ~~for the~~and

allocateion of funds within the eligible area EMA. Therefore, eCommission members, regardless of their private affiliations, may participate in ~~setting~~ the process to determine funding priorities and allocations of ~~CARE Act~~ Ryan White Part A and B fundings in percentage and/or dollar amounts to the various service categories, with the following limitations: ~~T~~ the eCommission shall not be involved directly or in an advisory capacity in the administration of ~~Title I and II grant~~ Ryan White funds and shall not designate or otherwise be involved in the selection of particular entities as recipients of those grant funds.

B. All members and alternates of the eCommission and participants in the eCommission's community planning process shall act in accordance with the eCommission's adopted code of conduct.

SECTION 7. Section 3.29.050 is hereby amended to read as follows:

3.29.050 Term of service.

A. All members and alternates shall serve at the pleasure of the bBoard of sSupervisors. Any member whose employment, or status or other factors no longer ~~meets~~ fulfill the requirements of the membership category seat to which he/she was appointed ~~to represent~~ shall be removed from the eCommission as determined by the bBoard of sSupervisors.

B. ~~The initial term of all 42 members shall expire on June 30, 2006. If the commission's sunset review date is extended beyond June 30, 2006, at its first meeting following the effective date of the extension, the commission shall classify its members, by lot, so that the term of 21 members and their corresponding alternates shall expire on June 30, 2006, and the term of the remaining 21 members and their corresponding~~

~~alternates shall expire on June 30, 2007. After the initial term, the term of each such member shall be two years.~~ The term of each member shall be two (2) years.

C. No member may serve on the eCommission for more than two (2) full consecutive terms.

D. In addition to their eCommission service, members are required to serve on at least one (1) of the eCommission's standing committees.

E. During the course of a year, absence from any combination of six (6) regularly scheduled eCommission meetings and/or regularly scheduled meetings of the committee to which the member has been assigned may result in the ~~b~~Board of ~~s~~Supervisors removing the member from the eCommission. Reinstatement or replacement may occur with subsequent nomination from the eCommission and appointment by the ~~b~~Board of Supervisors. An alternate's attendance in a member's place is considered attendance by the member at the meeting.

SECTION 8. Section 3.29.060 is hereby amended to read as follows:

3.29.060 Meetings and committees.

A. The eCommission shall meet at least ten (10) times a year.

B. The eCommission shall establish an executive committee to set agendas for meetings and conduct business between eCommission meetings. The executive committee shall include the ~~d~~Director of the Los Angeles County Division of HIV and STD Programs, ~~Office of AIDS Programs and Policy~~ the co-chairs of the eCommission, three (3) at-large members elected by the eCommission, and the chairs of the standing committees that the eCommission establishes.

C. On ~~quarterly~~ semi-annual basis, the ~~b~~Board of ~~s~~Supervisors and ~~the~~ shall be notified of member attendance at ~~e~~Commission meetings and meetings of standing committees.

D. As needed by committees and appropriate for added professional expertise and/or as a means of further engaging community participation in the planning process, the ~~e~~Commission is empowered to nominate candidates who are not commission members for appointment by the ~~b~~Board of ~~s~~Supervisors as ~~voting~~ members of ~~its~~ the Commission's established standing committees. The term of each such member shall be two (2) years.

SECTION 9. Section 3.29.070 is hereby amended to read as follows:

3.29.070 Procedures.

The ~~e~~Commission shall adopt bylaws which may include provisions relating to the time and place of holding meetings, election and terms of its co-chairs and other officers, and such other rules and procedures necessary for its operation. A majority of the ~~voting~~ members who have been appointed shall constitute a quorum of the ~~e~~Commission.

SECTION 10. Section 3.29.080 is hereby amended to read as follows:

3.29.080 Compensation.

When required to travel outside the county in performance of commission duties, members may be reimbursed from ~~CARE Act~~ Ryan White or other funds for necessary travel expenses, including transportation, meals and lodging. To be reimbursable, such travel must receive prior written approval from the executive director or his/her designee.

Corresponding with ~~CARE Act~~Ryan White legislation and HRSA guidelines, members of the eCommission may also be reimbursed for local travel and mileage, meals associated with eCommission business, child care during eCommission activities, and computer-related expenses if those costs were incurred in the performance of commission-related duties. The eCommission may, rather than reimburse for those expenses, make arrangements to provide those services directly to members or obtain alternate funding for member stipends.

The eCommission and the executive director will establish and implement procedures for eligibility and utilization of the foregoing described reimbursements.

SECTION 11. Section 3.29.090 is hereby amended to read as follows:

3.29.090 Duties.

The eCommission is authorized to:

A. Develop a comprehensive ~~care plan,~~ a continuum of care, and standards of care for the organization and delivery of ~~health~~HIV care, treatment and prevention services, ~~described inconsistent with~~ Section 2604 (42 U.S.C. § 300ff-12) of the ~~CARE Act~~Ryan White legislation and HRSA guidance ~~that is compatible with any existing state or local plans regarding the provision of health services to individuals with the HIV disease;~~

B. Establish priorities and allocations of ~~CARE Act~~Ryan White Part A and B fundings in percentage and/or dollar amounts to the various service categories; ~~review the grantee's overall allocation and expenditure of these funds by the grantees service category for consistency with the Commission's established priorities, allocations and the comprehensive care plan, without the review of individual contracts;~~ provide and

monitor directives to the grantee on how to best meet the need and other factors that further instruct service delivery planning and implementation; and report provide assurances to the bBoard of sSupervisors and HRSA as to whether verifying the that service category allocations and expenditures are consistent with the Commission's established priorities, allocations and the comprehensive care plan;

C. AssessEvaluate the service effectiveness and assess the efficiency of the administrative mechanism, in accordance with Title IPart A and HRSA grant requirements, as detailed in HRSA policieswith particular attention to outcome evaluation, cost effectiveness, rapid disbursement of funds, compliance with commission priorities and allocations, and other factors relevant to the effective and efficient operation of the local EMA's delivery of HIV services;

D. Study, advise and recommend to the bBoard of sSupervisors, and the grantee and other departments on matters related to HIV/AIDS;

E. Make reports to the bBoard of sSupervisors, and the grantee and other departments on HIV-related matters referred for review by the bBoard of sSupervisors, or the grantee or other departments;

F. Act as the planning bodycouncil for all HIV/AIDS programs in the dDepartment of pPublic hHealth or funded by the eCounty; and

G. Make recommendations to the bBoard of sSupervisors, or-grantee and other departments concerning the allocation and expenditure of fundings other than Title I and II CARE ActRyan White Part A and B funds expended by the grantee and the County for the provision of HIV/AIDS-related services in the county of Los Angeles.

SECTION 12. Section 3.29.095 is hereby amended to read as follows:

3.29.095 Grievance procedure.

The eCommission shall have procedures approved by the bBoard of sSupervisors and contained in its by-laws to address grievances with respect to ~~CARE Act Title I~~Ryan White funding. The grievance procedure shall be limited as follows:

A. Only pProviders eligible to receive ~~CARE Act Title I~~Ryan White funding, consumers, consumer groups and persons living with HIV/AIDS coalitions, and other stakeholders and caucuses may grieve.

B. Grievances shall be limited to the eCommission's, administrative agency's or grantee's failure to follow the eCommission's established, written and published procedures for priority-setting, resource allocation or subsequent changes to priorities or allocations, or compliance with comprehensive care plan provisions or implementation strategies. Grievances may not involve funding allocations to individual service providers, procurement of specific services, individual patient interactions with service providers and agencies, or disagreement with the outcome of the priority-and allocation-setting process.

C. All settlements and rulings resulting from grievances shall not retroactively change priorities or allocations and shall be limited to future actions of the eCommission.

D. The grievance process shall include a procedure to submit grievances that cannot be resolved through mediation to binding arbitration.

SECTION 13. Section 3.29.100 is hereby amended to read as follows:

3.29.100 Commencement date.

The eCommission's tenure shall continue ~~commence upon completion of~~
~~appointment of a majority of voting members by the board of supervisors on~~
July 1, 2011.

SECTION 14. Section 3.29.110 is hereby amended to read as follows:

3.29.110 Sunset review date.

The sunset review date for the eCommission ~~shall be July 1, 2011~~ is indefinite.
The Commission shall continue as long as it is federally funded or upon other order of
the Board of Supervisors.

[329010DRCC]

SECTION 15. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mike Antonovich

Mayor

ATTEST:

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 29, 2011 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Gloria Molina
Mark Ridley-Thomas
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich

Noes

Supervisors None

Effective Date: December 29, 2011

Operative Date:

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By Antoni
Deputy



APPROVED AS TO FORM:
ANDREA SHERIDAN ORDIN
County Counsel

By Leela Kapur
Leela Kapur
Chief Deputy County Counsel